

I am Jan Paulsen, the property owner in Northern Jefferson Co that is literally one step away from the City of Helena.

This bill is being heard for revision due to a conflict between state law and the desires of Jefferson County Commissioners over this piece of property.

My husband and I are law abiding citizens with a great appreciation for the experts in the field along with an appreciation of water quality. It is our intention to comply with any of the regulations set forth whether they stand as is -or- are revised. The question is - which experts' set of rules takes precedence in these matters- EPA standards, DEQ, ARM's City of Helena or the desires of Jefferson County Board of Commissioners?

Growth plans and communications between neighboring communities is a nice courtesy. The issue at hand is slightly more complicated than that. Water quality, waste drainage and ground water availability are issues that require the knowledge and expertise of professionals in the field as well as years of land use studies paired with future projections of impact.

The process of developing our 4 acres has taken us through 7 levels of governmental review. 1- Jefferson County Board of Adjustments, 2- Jefferson County Commissioners, 3-City of Helena, 4-DEQ , 5- District Court, 6- Attorney General, 7- MT Legislature.

We had the go ahead from the Jefferson County Board of Adjustments. It was when our engineered plan was submitted to DEQ that the brakes came on. DEQ denied the septic system, drain field and wells quoting the state administrative rule, "If the boundary line of a subdivision is within 500 ft of a public system, the subdivision must connect to the public system unless a waiver is granted by the Department".

To obtain a waiver one must demonstrate 3 provisions:

- 1) That the request would be unlikely to cause pollution of water;
- 2) Our action would protect the quality and potability of water for drinking water supplies and domestic uses and would protect the quality of water for other beneficial uses;
- 3) And thirdly, our request would not adversely affect public health, safety, and welfare.

After receiving this report from DEQ and learning our options, we entered into conversation with the City of Helena about connecting to the public system. At that time the Jefferson County Commissioners' requested a clarification from the Attorney General's office asking, "Does a City need the Counties approval to annex?" As you well know, the AG's formal opinion held that state law permits annexation across county lines and such annexation is not dependent on county approval. He also noted the legislature's ultimate objective was to create standards for annexation in order to ensure the high quality of services needed for public health, safety and welfare.

We are not interested in contributing to the current problems of the contamination of the watershed. This problem has been recently outlined in the *Framework Water Quality Restoration Plan for the Lake Helena watershed*. A document prepared for DEQ by the EPA. The plan calls for 92% reduction of the city's nitrogen output in coming years, the bi-product of septic systems. We cherish good water quality and feel this legislation does not intend to protect the public welfare and safety; it appears to merely add another layer of government to the already lengthy process. We appreciate the direction we have received from the professional and technical staff of the City of Helena, the State DEQ and the Federal EPA. We would prefer NOT to be part of the clean up plan in the future; rather we would like be a more responsible upstream neighbor to the City of Helena that contributes to high quality public health. In other words we wish to be part of the solution not the problem.

I would urge you to **vote NO** on SB 339. Follow the lead and wisdom of your predecessors and up hold the current standards for annexation in order to ensure the high quality of services needed for public health, safety and welfare.